

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2006

Clifford W. Taylor,
Chief Justice

129742

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129742
COA: 261305
Oakland CC: 03-192159-FH

ERNEST TUCKER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 28, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court so that defendant may be given the opportunity to withdraw his December 8, 2003 guilty plea. The circuit court failed to honor a sentence agreement under *People v Cobbs*, 443 Mich 276 (1993).

We do not retain jurisdiction.



d0301

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2006

Corbin R. Davis

Clerk